

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DONALD J. ROBERTS, II, and)
GUN OWNERS OF AMERICA, INC.,)
Plaintiffs,)
v.) Civil Action No. 1:20-CV-10639
U.S. DEPARTMENT OF JUSTICE, et al.,)
Defendants.)

CERTIFICATION OF ADMINISTRATIVE RECORD

I, Andrew R. Graham, pursuant to 28 U.S.C. § 1746, do declare and state as follows:

Currently I am the Deputy Assistant Director, Enforcement Programs and Services Directorate, Bureau of Alcohol, Tobacco, Firearms and Explosives. Previously, from October 2014 through May 2020, including during the agency actions at issue in this case, I was the Deputy Assistant Director for Industry Operations in the Field Operations Directorate. The Industry Operations Group within Field Operations is responsible for licensing persons engaging in a firearm or explosive business, conducting inspections to ensure that licensees are in compliance with all applicable law and regulations, educating and monitoring the industry in regards to regulatory compliance, and preventing and detecting the diversion of firearms and explosives.

The information in this certification is based upon my personal knowledge or on information provided to me in the course of my official duties. The materials listed in the index below and attached hereto constitute, to the best of my knowledge, a true and complete copy of the administrative record in the above referenced civil action.

INDEX TO THE ADMINISTRATIVE RECORD

1. Open Letter to All Michigan Federal Firearms Licensees (FFLs) dated 10/29/98
2. Open Letter to All Michigan FFLs dated 3/15/04
3. Open Letter to Michigan FFLs dated 3/24/06
4. Letter to Dawn Branningstaull, Michigan State Police from John Traxler, Federal Bureau of Investigation, Criminal Justice Information Services Division dated 1/10/20 re: final results of June 2019 NICS audit of Michigan
5. Michigan 2019 NICS Audit Findings[, including Michigan Reply] and Response
6. Email FW: Michigan ATF-Qualified permit and MCDV research, dated 6/3/19
7. Email FW: MI MCDV research issue, dated 6/3/19
8. Email FW: ATF-NICS Meeting Agenda 4-9
9. Agenda for ATF/NICS Quarterly Meeting 4-9-19
10. Email FW: MI Permit, dated 6/3/19
11. Email FW: Michigan Permit Issue, dated 6/3/19
12. List of CPL Applicants and Final Status
13. List of CPL Applicants with Potentially Prohibiting MCDV convictions
14. Email FW: Michigan NICS audit information, dated 6/3/19
15. Michigan NICS Audit Assignment
16. Email FW: Michigan Alternate Permits, dated 7/16/19
17. Draft of Letter to Michigan Attorney General (AG) Nessel
18. Draft of Public Safety Advisory (PSA) to all Michigan FFLs
19. Email FW: Michigan with possible MCDV charges, dated 7/22/19

20. Email FW: Michigan NICS Alternative Permits Briefing Paper & Administrative Record, dated 8/15/19
21. Firearms & Explosives Industry Division: Firearms Industry Programs Branch 8/4/19 Briefing Paper re: Michigan-Issued NICS Alternative Permits
22. Email Fwd: NICS Alternate Permits (CPL/CCW), dated 11/15/19
23. Memo to Deputy Assistant Director (Field Operations-Industry Operations); Deputy Assistant Director (Enforcement Programs and Services) from Director, Industry Operations Detroit Field Division, dated 11/12/19 re: NICS Re-Check of Michigan Concealed Pistol License Holders
24. Email FW: Michigan Open Letter Draft Update, dated 1/6/20
25. Draft Michigan PSA
26. Email FW: Michigan Open Letter Draft Update, dated 1/6/20
27. Draft Michigan PSA
28. Email Re: MI Advisory Letter on Alternate Permits, dated 2/12/20
29. Email FW: Michigan Letters, dated 2/26/20
30. Email: Michigan CPL Letter/Advisory—Monday, dated 3/1/20
31. Draft Michigan PSA
32. Draft Michigan AG Letter
33. Email Re: Michigan Public Safety Advisory & Letter to Michigan AG, dated 2/26/20
34. Email: Michigan Public Safety Advisory & Letter to Michigan AG, dated 2/26/20
35. Email Fwd: Public Safety Advisory to Michigan re Alternate Permits 11-20-19 (Det DC edits), dated 3/1/20
36. Draft Michigan PSA

37. Email Re: Letter to Michigan AG re Alternate Permits, dated 2/29/20
38. Email Fwd: Letter to Michigan AG re Alternate Permits, dated 3/6/20
39. Email Re: Letter to Michigan AG re Alternate Permits, dated 2/28/20
40. Email Re: Letter to Michigan AG re Alternate Permits, dated 2/29/20
41. Email: Michigan CPL Letter/Advisory-Monday, dated 3/1/20
42. Draft Michigan PSA
43. Draft AG Letter
44. Email FW: Revised Michigan TPs
45. Michigan NICS Alternative Permits Talking Points (undated)
46. Email FW: Michigan Public Safety Advisory—NICS 3.3.20
47. Final, signed Michigan PSA, issued 3/3/20
48. Email FW: Michigan CPL Advisory, dated 3/11/20
49. Final, signed letter to Michigan AG, issued 3/3/20
50. Brady Handgun Violence Prevention Act, H. Rep. No. 103-344 (1993)
51. Public Law Number 103-159 (11/30/93)
52. 63 Fed. Reg. 8379 (2/19/98)
53. 63 Fed. Reg. 58272 (10/29/98)
54. Memo to All Special Agents in Charge, All District Directors, All Assistant Chief
Counsels, From Assistant Director (Firearms, Explosives & Arson) dated 6/26/98, re:
Implementation of Permanent Provisions of the Brady Law
55. Memo to Acting Assistant General Counsel, From Chief Counsel, dated 10/8/90, re:
Qualification of State Permits as Alternatives to NICS Check under the Brady Law

56. GAO: *Gun Control: Opportunities to Close Loopholes in the National Instant Criminal Background Check System* (July 2002)
57. Letter to Julie Bumgardner, FBI, From William P. McMullan, ATF, dated 6/6/19 re: ATF Use of the National Instant Criminal Background check System in Connection with Federal Firearms License Inspections
58. Memo to All Directors, Industry Operations, From Deputy Assistant Director (Field Operations-Industry Operations), dated 1/16/20 re: NICS Alternative Permit Sampling Initiative
59. NICS Alternate Permit Sampling Results Worksheet (blank)
60. Permanent Brady Permit Chart
61. Email RE: [redacted] revocation, dated 4/23/19
62. Email, no subject line, dated 1/22/20
63. Email RE: FMS NOTIFICATION MESSAGE - #20-0117.1 – PRIORITY: ROUTINE – NICS ALTERNATIVE SAMPLING INITIATIVE, dated 1/21/20
64. NICS Alternate Permit Sampling Results Worksheets
65. Chart: Transfers to Prohibited Persons

I certify under penalty of perjury that the foregoing is true and correct.

Executed on this 9th day of July 2020.



Andrew R. Graham
Deputy Assistant Director
Enforcement Programs and Services
Bureau of Alcohol, Tobacco, Firearms and
Explosives